

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features in that the technical feature of Group I is a polypeptide, which is a hydantoin-racemase from *A. aurescens* DSM 3747 shown by Pietzsch et al.

However, according to Annex B under II, Claims In The Same Category, Example 17 on page AI-65 it is clear that unity exists between the claims of Groups I and II, since Example 17 indicates that protein X and a DNA sequence encoding protein X exhibit unity of invention. In the same manner the hydantoin-racemase of Group I and the gene, vector and microorganism encoding for the hydantoin-racemase of Group I clearly indicate that Groups I and II exhibit unity of invention. Therefore, it is requested that the Examiner rejoin the claims of Groups I and II and examine all claims in the present application.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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